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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

083531-0279295

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Typed or printed name _____

Application Number

09/830,028

Filed

8/15/2001

First Named Inventor

MARKKU VERKAMA

Art Unit

@c*c

Examiner

Iqbal, Khawar

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record. 41844
Registration number _____

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

Signature

Christine H. McCarthy

Typed or printed name

703.770.7743

Telephone number

May 1, 2006

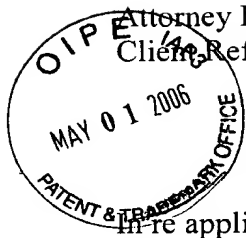
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney Docket No. 083531-0279295
Client Reference: TP103732 EPG/EIP

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: MARKKU VERKAMA

Application No.: 09/830,028

Group Art Unit: 2686

Filed: August 15, 2001

Examiner: Iqbal, Khawar

Confirmation No.: 9392

For: DIGITAL TELECOMMUNICATION SYSTEM

ATTACHMENT SHEET FOR PRE-APPEAL BRIEF CONFERENCE REQUEST

BOX AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellant hereby requests that a panel of examiners formally review the legal and factual basis of the rejection in the above-identified application prior to the filing of an appeal brief. Appellant asserts that the outstanding rejections s (now on appeal by virtue of the concurrently filed Notice of Appeal) are clearly improper based both upon errors in facts and the omission of essential elements required to establish anticipation (i.e., the prior art references fail to disclose, teach or suggest all the recited claim features).

APPEALED REJECTIONS

Appellant is appealing the rejection of claims 1-12 and 14-17 under 35 U.S.C. 102(e) as being anticipated by Tseng et al. (U.S. 6,172,974; hereafter "Tseng") and the rejection of claims 1-17 under 35 U.S.C. 102(e) as being obvious from Valentine (U.S. 6,600,740; hereafter "Valentine").

ARGUMENTS FOR TRAVERSAL

Appellant traverses the prior art rejections because the cited prior art fails to disclose, teach or suggest all the features recited in the rejected claims. To establish anticipation or obviousness, the prior art must teach or suggest all the features recited in the rejected claims.

However, the cited prior art fails to disclose, teach or suggest the claimed digital telecommunication system “wherein the first and second transcoder units each include speech codecs and each of the terminals comprises one or more speech codecs, each including an encoder unit and a decoder unit, the terminals being arranged to provide information regarding the supported one or more speech codecs to their associated switching centres; the first centre is configured to perform handshaking with the second centre, the handshaking including indication of the speech codecs supported by the calling terminal, wherein at least one of the first and second centres is configured to choose the speech codec used commonly by the calling and called terminals, and wherein at least one of the first and second centres is configured to establish call connections that bypass one or more of the transcoder units or to control the transcoder units to transmit encoded speech between the called and calling terminals without performing speech encoding operations so that speech is encoded and decoded only in the terminals,” as recited in independent claim 1.

Moreover, the cited prior art fails to disclose, teach or suggest the claimed centre in a digital telecommunication network configured to receive information regarding supported one or more speech codecs of a calling terminal, each speech codec including an encoder unit and a decoder unit, and connect a transcoder located in a transcoder unit to a call connection when required, wherein: the centre is configured to perform handshaking with another centre associated with a called terminal, the handshaking including indication of speech codecs supported by the calling terminal associated with the centre, the centre also being configured to choose the speech codec commonly used by the terminals...,” as recited in independent claim 14.

In accordance with the claimed invention, the TFO/TrFO negotiation is terminal-driven, i.e., the speech codecs supported by the terminals are indicated to the switching centres, which thereafter control the operation. That is, the MSCs receive indications from terminals about their supported speech codecs, the MSCs decide the most appropriate speech codec (e.g, the best encoder unit among a plurality of commonly supported encode units), the MSCs indicate the chosen speech codec to the terminals, and, only if no common speech codec is available, then the MSCs control the operation of the transcoders.

Thus, the claimed invention relates to transcoder-free operation (TrFO) in a mobile communication system, wherein the transcoders are not a part of the transmission path, but they are only connected, when particularly needed. In such a system, a switching centre controls the operation of a transcoder; TrFO is a default setting, and only when no common speech codec is available for the terminals of the connection. A MSC connects a transcoder

from a transcoder unit for the connection. In search of a common speech codec, the MSCs are then informed of the speech codecs supported by the terminals, and the MSCs choose the best speech codec to be used on the connection.

The final rejection asserted that both Tseng and Valentine each teach or suggest the above-identified claim features.

However, the identified section of Tseng, e.g. col. 7, lines 1-46 and col. 9, lines 40-60, and Tseng generally, merely teaches a conventional signaling method for achieving a tandem-free operation (TFO) in a mobile-to-mobile call (MMC) in a telecommunication system. Tseng's centers are arranged to transmit capability signals to each other to indicate whether the centers are capable of transcoding (or cross transcoding, if needed). In Tseng's inter-system TFO, in each system, the transcoders are always part of the transmission path and transcoding is a default setting for the operation. Thus, the TFO of Tseng is MSC-driven, i.e., all the TFO negotiation disclosed in Tseng relates to whether the opposite MSC is capable of transcoding or cross transcoding. As a result, transcoders are bypassed by sending low frequency tone signals to opposing centers. However, Tseng fails to disclose, teach or suggest the idea of using appropriate low frequency tone signals for signaling the start of TFO operation.

The final rejection has erroneously asserted that Tseng discloses that the terminals indicate their supported speech codecs to their associated switching centers. However, Tseng fails to teach or suggest any activity, wherein a terminal would indicate its speech codecs to a switching center. Tseng merely discloses an inter-system (GSB/TDMA/CMDA) TFO operation, wherein the speech codecs of the terminals are system-dependent, i.e., the respective switching center are always aware of speech codecs supported by the terminals. Hence, in Tseng, there is no need to indicate the speech codecs supported by the terminals to the switching centers. Simply put, the terminals of Tseng do not participate in the selection of inter-MSC coding.

Furthermore, the final rejection erroneously asserted that Tseng discloses a system wherein at least one of the first and second centers is configured to choose the speech codec used commonly by the calling and called terminals. To the contrary, Tseng's centers only receive an indication whether the center on the opposite side is capable of transcoding or cross transcoding; thus, Tseng's centers do not choose any codec for the terminals to use.

Accordingly, Tseng fails to disclose, teach or suggest the present invention, wherein a TFO negotiation is terminal-driven, i.e., the speech codecs supported by the terminals are

indicated to the MSCs, and in the TFO negotiation, transcoders are only connected, if no commonly supported speech codec is found.

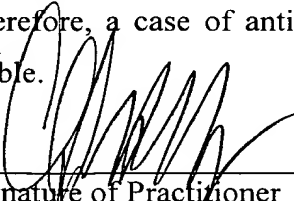
Similarly, the final rejection asserted that the newly cited reference Valentine also teaches or suggests the above-identified claim features. However, the identified section of Valentine , e.g. col. 3, lines 25-56, column 4, lines 36-65, column 5, lines 10-65 and column 7, lines 25-41)and Valentine generally, merely teach a method for adapting speech codec algorithms on a telecommunication connection including multiple different speech codecs. In Valentine, the originating network and the terminating network perform handshaking, which indicates the codecs used by the originating network/terminal and the terminating network/terminal. If the codecs are different, the speech codec algorithms of both codecs are adapted to produce a best fit encoding matching. Consequently, Valentine does not relate to choose a speech codec for a tandem-free MMC. As a result, Valentine fails to disclose, teach or suggest the claimed invention directed to terminal-driven TFO/TrFO negotiation.

CONCLUSION

Therefore, it is respectfully requested that the panel return a decision concurring with Appellant's position and eliminating the need to file an appeal brief because there are clear legal and/or factual deficiencies in the appealed rejections. Specifically, the teachings of the cited prior art, analyzed individually or in combination, fail to disclose, teach or suggest all the features recited in the rejected claims. Therefore, a case of anticipation has not been established. Thus, all pending claims are patentable.

Date: May 1, 2006

Reg. No.: 41844
Tel. No.: (703) 770.7743
Customer No.: 00909



Signature of Practitioner
Christine H. McCarthy
PILLSBURY WINTHROP LLP
P.O. Box 10500
McLean, VA 22102